

ASSEMBLY BILL

No. 2005

Introduced by Assembly Member Garrick

February 23, 2012

An act to amend Section 8670.28 of the Government Code, relating to oil spills.

LEGISLATIVE COUNSEL'S DIGEST

AB 2005, as introduced, Garrick. Oil spills: contingency plans.

The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act generally requires the administrator for oil spill response, acting at the direction of the Governor, to implement activities relating to oil spill response. Under the act, the administrator for oil spill response is required to adopt and implement regulations and guidelines governing the adequacy of oil spill contingency plans.

This bill would make technical, nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 8670.28 of the Government Code is
- 2 amended to read:
- 3 8670.28. (a) The administrator, taking into consideration the
- 4 marine facility or vessel contingency plan requirements of the
- 5 national and California contingency plans, the State Lands
- 6 Commission, the State Fire Marshal, and the California Coastal
- 7 Commission shall adopt and implement regulations governing the

1 adequacy of oil spill contingency plans to be prepared and
2 implemented under this article. All regulations shall be developed
3 in consultation with the Oil Spill Technical Advisory Committee,
4 and shall be consistent with the California oil spill contingency
5 plan and not in conflict with the National Contingency Plan. The
6 regulations shall provide for the best achievable protection of
7 coastal and marine resources. The regulations shall permit the
8 development, application, and use of an oil spill contingency plan
9 for similar vessels, pipelines, terminals, and facilities within a
10 single company or organization, and across companies and
11 organizations. The regulations shall, at a minimum, ensure all of
12 the following:

13 (1) All areas of the marine waters of the state are at all times
14 protected by prevention, response, containment, and cleanup
15 equipment and operations. For the purposes of this section, “marine
16 waters” includes the waterways used for waterborne commercial
17 vessel traffic to the Port of Stockton and the Port of Sacramento.

18 (2) Standards set for response, containment, and cleanup
19 equipment and operations are maintained and regularly improved
20 to protect the resources of the state.

21 (3) All appropriate personnel employed by operators required
22 to have a contingency plan receive training in oil spill response
23 and cleanup equipment usage and operations.

24 (4) Each oil spill contingency plan provides for appropriate
25 financial or contractual arrangements for all necessary equipment
26 and services, for the response, containment, and cleanup of a
27 reasonable worst case oil spill scenario for each part of the coast
28 the plan addresses.

29 (5) Each oil spill contingency plan demonstrates that all
30 protection measures are being taken to reduce the possibility of
31 an oil spill occurring as a result of the operation of the marine
32 facility or vessel. The protection measures shall include, but ~~not~~
33 *be are not* limited to, response to disabled vessels and an
34 identification of those measures taken to comply with requirements
35 of Division 7.8 (commencing with Section 8750) of the Public
36 Resources Code.

37 (6) Each oil spill contingency plan identifies the types of
38 equipment that can be used, the location of the equipment, and the
39 time taken to deliver the equipment.

1 (7) Each marine facility conducts a hazard and operability study
2 to identify the hazards associated with the operation of the facility,
3 including the use of the facility by vessels, due to operating error,
4 equipment failure, and external events. For the hazards identified
5 in the hazard and operability studies, the facility shall conduct an
6 offsite consequence analysis—~~which~~ *that*, for the most likely
7 hazards, assumes pessimistic water and air dispersion and other
8 adverse environmental conditions.

9 (8) Each oil spill contingency plan contains a list of contacts to
10 call in the event of a drill, threatened discharge of oil, or discharge
11 of oil.

12 (9) Each oil spill contingency plan identifies the measures to
13 be taken to protect the recreational and environmentally sensitive
14 areas that would be threatened by a reasonable worst case oil spill
15 scenario.

16 (10) Standards for determining a reasonable worst case oil spill.

17 (11) Each oil spill contingency plan includes a timetable for
18 implementing the plan.

19 (12) Each oil spill contingency plan specifies an agent for service
20 of process. The agent shall be located in this state.

21 (b) The regulations and guidelines adopted pursuant to this
22 section shall also include provisions to provide public review and
23 comment on submitted oil spill contingency plans prior to approval.

24 (c) The regulations adopted pursuant to this section shall
25 specifically address the types of equipment that will be necessary,
26 the maximum time that will be allowed for deployment, the
27 maximum distance to cooperating response entities, the amounts
28 of dispersant, and the maximum time required for application,
29 should the use of dispersants be approved. Upon a determination
30 by the administrator that booming is appropriate at the site and
31 necessary to provide best achievable protection, the regulations
32 shall require that vessels engaged in lightering operations be
33 boomed prior to the commencement of operations.

34 (d) The administrator shall adopt regulations and guidelines for
35 oil spill contingency plans with regard to mobile transfer units,
36 small marine fueling facilities, and vessels carrying oil as secondary
37 cargo that acknowledge the reduced risk of damage from oil spills
38 from those units, facilities, and vessels while maintaining the best
39 achievable protection for the public health and safety and the
40 environment.

- 1 (e) The regulations adopted pursuant to subdivision (d) shall be
- 2 exempt from review by the Office of Administrative Law.
- 3 Subsequent amendments and changes to the regulations shall not
- 4 be exempt from Office of Administrative Law review.
- 5 (f) This section shall become effective on January 1, 2012.